

### **REMARKS**

In the 24 September 2003 Office Action, the Examiner rejects all pending claims (claims 1-17 and 20-25) in the subject application. Particularly, claims 1-8, 10-17, 20-21, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicants Admitted Prior Art ("AAPA"), in view of Taguchi, U.S. Patent Number 6,011,768 ("Taguchi"). Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA in view of Taguchi, in further view of Iwasa, U.S. Patent Number 5327411 ("Iwasa"). Claims 18 and 19 are withdrawn with out prejudice as subject to an Examiner's Restriction Requirement. In this Response, Applicants submit corrected Figures 13-22 (with the accompanying Letter to Draftsman), amend claims 1, 20, and 23-25, cancel claim 22 and submit the following Remarks for consideration. Upon entry of the following Amendment and Remarks, claims 1-17 and 20-21, 23-25 remain pending in the application. Reconsideration of this application is respectfully requested in view of the below remarks.

Applicants thank the Examiner for the acknowledgement of Priority Papers submitted under 35 USC §119. Applicants further acknowledge that the claims 18 and 19 are withdrawn as subject to the Examiner's restriction requirement.

### **Allowable Subject Matter**

Examiner notes that claims 22-25 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants amend independent claims 1 and 20 to include that matter which the Examiner notes is allowable. Particularly, Applicants amend claims 1 and 20 to include a "signal based on velocity that modifies a filter" as noted by the Examiner. As a consequence, claims 1 and 20, and those claims dependent therefrom should now be allowable over the Examiner's cited prior art. Applicants request withdrawal of the Examiner's rejections related to these claims.

### **Title and Drawing Objections**

### **Title**

The Examiner objects to the Title of the invention as not being precise or descriptive of the invention. In response, Applicants amend the Title. As such, Applicants respectfully request the Examiner's objection to the Title be withdrawn.

### **Drawings**

Examiner objects to Figures 1-22 as not designating a legend such as "Prior Art". However, Applicants note that the designation "Prior Art" should only be included on a Figure if the Figure relates to statutory prior art. In accordance with the Specification of the invention, Applicants respectfully note that Figures 1-12 are not "Prior Art." As such, Applicants submit herewith a letter to the Draftsman indicating in red ink that Figures 13-22 are labeled "Prior Art". Consequently, Applicants respectfully request the Examiner's approval of the Figures and continued examination of the application. Applicants shall make the appropriate changes one approved by the Examiner.

### **35 U.S.C. § 103 REJECTIONS**

As noted, claims 1-8, 10-17, 20-21, 14 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicants Admitted Prior Art ("AAPA"), in view of Taguchi, U.S. Patent Number 6,011,768 "Taguchi"). Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA in view of Taguchi, in further view of Iwasa, U.S. Patent Number 5327411 ("Iwasa"). Applicants respectfully disagree with and traverse the Examiner's rejections for the reasons stated below.

Applicants note that in order to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all the claim limitations. The reference must be considered in its entirety including disclosure that tends to teach away from the claimed invention. The teaching

or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicants' disclosure.

Further, Applicants note that the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. That is, although a reference may be modified to run the way the apparatus is claimed, there must be some suggestion or motivation in the reference to do so. *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990).

### **Claims 1 and 20**

As noted, Applicants amend independent claims 1 and 20 to include that allowable subject matter the Examiner notes is not found in the prior art. As such, claims 1 and 20, and those claims, which depend variously therefrom, are allowable over the Examiner's cited prior art. Consequently, in accordance with the above remarks, Applicants respectfully assert that Applicants' invention would not have been obvious to one skilled in the art at the time the invention was made since the cited references do not teach, suggest or disclose all the elements of Applicants' invention as is shown in Applicants' amended claims 1 and 20, and no motivation exists to combine the references as suggested.

Particularly, Applicants' claims 1 and 20 claim a multiprocessor of the present invention which includes filter for receiving the high frequency current and the recording current, and operating so as to attenuate the enhanced high frequency component included in the high frequency current generated by the high frequency current generation section and the enhanced high frequency component included in the recording current generated by the recording current generation section; and a switching section for switching the filter on or off so that the enhanced high frequency component included in the recording current is superposed on at least one of the plurality of multi-pulses included in the pulse of the recording current.

Additionally, the Examiner contends that even though these features are not described in the AAPA, it is well known in the art that most filters are usually associated

with noise and noise removal. However, there is no teachings or suggestion in either of the cited references that this is the case. In the AAPA however, it is disclosed that a low pass filter causes problems, i.e. that the waveform of the recording current is less sharp (see page 13, lines 17-20 of the present specification).

The Examiner further contends that Taguchi teaches these features. The elements 56, 55 and 90 indicated by the Examiner are described in Taguchi as collectively forming a high pass filter (see col. 5, lines 13-15). The high pass filter of Taguchi however is part of the high-frequency current generator 50. This high pass filter simply restricts passage of low-frequency noise components in the oscillating output of the high-frequency current generator.

Taguchi does not teach or suggest a filter for receiving the high frequency current and the recording current. In the present invention, the filter 515 is separate from the high frequency current generation section 519 and the recording and reproduction current generation section 518 (see Figure 3). The filter 515 is connected to, and receives signals from, these sections.

Additionally, Taguchi does not teach or suggest that the high pass filter attenuates the enhanced high frequency component included in the high frequency current generated by the high frequency current generation section and the enhanced high frequency component included in the recording current generated by the recording current generation section.

Regarding the claimed switching circuit, the Examiner contends that this corresponds to the power save circuit 200 of Figure 6 of Taguchi. However, the power save circuit of Taguchi functions to detect a terminal voltage of the laser and compare it with a reference voltage, and then switches the current generator ON and OFF accordingly. It does not turn a filter on/off for the purpose of superposing an enhanced high frequency component onto a recording current, as claimed. Although the power save circuit outputs a signal to the high frequency current generator, this is not equivalent to the claimed filter, as described above.

Therefore, the teachings of Taguchi do not make up for the deficiencies of the AAPA for the reasons described above. Nor would it be obvious to first combine the disclosure of the AAPA and Taguchi because no motivation exists in the teaching to combine the cited references. In addition, even were the supposed combination of references made, one skilled in the art would not arrive at the Applicants claimed invention since the claimed invention taken singly or in combination does not include every limitation of Applicants claimed invention. Moreover, Applicants can find no teaching in the AAPA or Taguchi describing *why* to combine the devices or *how* to combine the devices. As such, Applicants respectfully assert that the combination of AAPA and Taguchi do not form the basis for a proper section 103 rejection.

Consequently, Applicants respectfully assert that independent claims 1 and 20 are patentable over the AAPA in view of Taguchi reference. Further, since dependent claims incorporate the limitations of the claims from which they depend, then the claims variously dependent upon allowable independent claims 1 and 20 are also allowable over the prior art. In accordance with the above, Applicants respectfully request that the Examiner's rejection of claims 1 and 20 and those claims dependent therefrom, be withdrawn.

### **Claim 9**

Examiner rejects claim 9 under 35 USC § 103(a) as being unpatentable over the combination of AAPA and Taguchi as applied to claim 1 and further in view of Iwasa et al U.S., Patent No. 5,327,411 ("Iwasa"). Applicants respectfully traverse the Examiner's reasons for rejection for the following reasons.

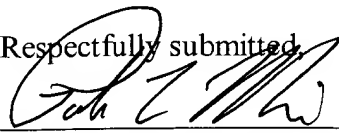
Applicants respectfully assert that Applicants' invention of claim 9 would not have been obvious to one skilled in the art at the time the invention was made since the cited references do not teach, suggest or disclose all the elements of Applicants' claim 9. For example, claim 9 recites, as noted, the combination of AAPA and Taguchi system does not

In contrast, as noted, Applicants' amended claim 1, from which claim 9 depends, includes independent filter for receiving the high frequency current and the recording current, and operating so as to attenuate the enhanced high frequency component included in the high frequency current generated by the high frequency current generation

section and the enhanced high frequency component included in the recording current generated by the recording current generation section; and a switching section for switching the filter on or off so that the enhanced high frequency component included in the recording current is superposed on at least one of the plurality of multi-pulses included in the pulse of the recording current based on a linear velocity of the optical disc. As noted by the Examiner, the noted amendments, including a signal based on velocity that modifies the filter constitute allowable subject matter. Additionally, as Applicant has stated, Applicants can find no motivation to combine the references as noted by the Examiner. Further still, even if the references were combined, one skilled in the art would not reach the Applicants' invention since not all of Applicants' claim limitations are disclosed or suggested in the cited art. As such, Applicants respectfully assert that the combination of AAPA, Taguchi and Iwasa do not sustain a proper section 103 rejection of Applicants' claim 9. Accordingly, Applicants respectfully request that the Examiner's section 103 rejection of Applicants' claim 9 be withdrawn.

Thus, in view of the foregoing, the Applicants respectfully request withdrawal of the Examiner's section 103 rejections. The Applicants respectfully submit that the present application is in condition for allowance, and that all claims properly conform to the requirements of 35 U.S.C. §112. Reconsideration of the application and allowance of all pending claims 1-18 is respectfully requested.

Should the Examiner wish to discuss the Applicants' comments, Applicants invite the Examiner to telephone the undersigned if he or she has any questions whatsoever regarding this Response or the present application in general.

Respectfully submitted,  
  
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Dated: 24 December 2003

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